

**UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT**

No: 09-1810

Cindy Avila, Individually and as Personal Representative of the Estate of Steven Avila,
Deceased; Rose Bergholz,

Plaintiffs - Appellants

Willard Braden; Kenneth Clausen; Tom Dolton,

Plaintiffs

Frank Elliott; Virginia Elliot; Robert Eversoll; Julia Foote; Donald Jenkins, Individually and as
Next Friend of D. A. J., minor; Donnette Jenkins; Michelle Kohlhof, Individually and as Next
Friend of K.M.K., minor,

Plaintiffs - Appellants

Karen Kuta, as Next Friend of J.M.K., minor,

Plaintiff

Anthony Martinez; Kris Mleczo,

Plaintiffs - Appellants

Michael Muirhead; Sunni Muirhead, Individually and as Next Friend of A.M.M., J.D.M., and
T.M.M., minors,

Plaintiffs

Michael Nelson; Jody Nelson, Individually and as Next Friend of Z.M.N., a minor; Kerry
Ressler-Martinez, Individually and as Next Friend of J.P.R., minor; Patrick Ryan; Barbara
Schorle; Cheri Schwieger; Gordan Svoboda; William Tolle; Sherri Tolle; Jack Wiese,
Individually and as Personal Representative of the Estate of Beatrice L. Wiese, Deceased; Bruce
Shorle; Charmaine Arp, Individually and as Personal Representative of the Estate of Daniel Arp,
Deceased; Rocke Beason; Thomas Brown; Lorinda Brown, Individually and as Next Friend of
K.J.B., K.K.B., and C.T.B., minors,

Plaintiffs - Appellants

Christopher Cassel,

Plaintiff

Warren Edghill; Jeanette Edghill; Robert Guerrero; Robert E. Lee; Byron M. Levinson,

Plaintiffs - Appellants

Kathleen Tibbs; Mark J. Tylkowski,

Plaintiffs

Suzanne Down, as Personal Representative of the Estate of Mary Jo Down, Deceased; Patricia Ann Pirnie; Marlene Beason, Individually and as Next Friend of C.R.B., minor; Esther Ingram; Matthew Ingram; Sandra Lawrey; William Lawrey; Cecil Sonnenfelt; Letha Sonnenfelt; Jerrold Tjaden; Linda Tjaden; Ashley Whitney; Aaron Wobig, Individually and as Next Friend of C.W., minor; Jason Ressler; Ted Rookstool; Donald A. Schwieger; Richard E. Willis; Keely Nelson; Denny Fitzgerald, Individually and as Personal Representative of the Estate of Annetta Fitzgerald, Deceased, and as Trustee of the Denny R. Fitzgerald and Annetta M. Fitzgerald Revocable Trust Dated June 1, 2000: estate of Annetta Fitzgerald; Joanie Guerrero, Individually and as Next Friend of J.M.G. , B.C.G. , and B.C.G. , minors; Carol Heying, Individually and as Personal Representative of the Estate of Eugene Heying; Carol Marie Castleberry, Individually and as Next Friend of C.J.C. and K.M.C., minors,

Plaintiffs - Appellants

v.

CNH America, LLC individually and as successor-in-interest to New Holland North America, Inc. formerly known as Ford New Holland, Inc.; New Holland, Inc.; Fiatallis North America, Inc.; Case New Holland, Inc., formerly known as Case New Holland, Inc., formerly known as Case International Corporation; CNH Global, N.V., Individually and as Successor-In-Interest to New Holland N.V., formerly known as N.H. Geotech; Unisys Corporation, as successor-in-interest to Sperry Rand Corporation, Successor-Un-Interest to Sperry Corporation, formerly known as Sperry Rand Corporation; Ford Motor Company; Fiat S.p.A.; Fiatallis North America, LLC, formerly known as Fiatallis North America, Inc.,

Defendants

Cargill, Incorporated,

Defendant - Appellee

No: 09-1848

Joan Schwan, Individually and as Next Friend of J.P.S., a minor; Andrew Schwan; Luke A. Schwan; Rachel Schwan, Individually and as Next Friend of J.M., a minor; Heather Ackermann; Cindy Avila, Individually and as Personal Representative of the Estate of Steven Avila; Martin Charles Avila; Gina Baldwin, Individually and as Next Friend of A.B. and M.B., minors; Jeff Baldwin; Lori Ann Beiber, Individually and as Next Friend of B.J.B., a minor; Matthew Beiber; Michael Bish; Susan Bish, Individually and as Next Friend of J.K.B., a minor; Lisa Brown-Olsen, Individually and as Next Friend of T.C.O., a minor; Christine Durand, Individually and as Next Friend of B.A.D. and K.M.D., minors; Kenneth Durand; Greg Eirick; Jamie Eirick; Kathleen Eirick; Jennifer Florez; Jerry Florez; Rosalie Florez; Stephanie L. Florez; David Green; Cass W. Griffin; Janet Griffin; Stephen Griffin; Diann Hadan; Doran Hadan; Jeffrey Hadan,

Individually and as Next Friend of C.S.H., a minor; Manon Hadan; Dennis Harb; Jason Harb; Jeffery D. Harb; Mary Harb; Beverly Helzer; Gerald Helzer; Dale Huffman; Dalyn Huffman; Jenna Huffman; Sharon Huffman; Lori Jepson; Melissa Jepson; Nicole Jepson; Terry Jepson; Grant D. Kolar; Dennis Korgel; Eric Korgel; Marilyn Korgel; Sean Korgel; Pamela Kretzer; Cheryl Krieser; Keri Krieser; Matthew Krieser; Philip Krieser; Cassie Lillibridge; Brian Lindell; Judy Lindell; Justy Lindell, Individually and as Next Friend of S.N.L., a minor; Melissa Lindell; Vincent Luhn; Elaine Markham; Steven Markham; Alana Dale Markworth; Earl A. Markworth; Ashley McMahon; Chelsey McMahon; Dianne McMahon, Individually and as Next Friend of J.J.M., a minor; Johnna McMahon; Haley McMahon; John McMahon; Juli Meguire; Logan Meguire; Timothy Meguire, Individually and as Next Friend of E.M., a minor; Angela Meyer; Melissa Meyer; Robert Meyer; Fae Morgan; Jamie Morgan; Todd D. Morgan; Tifanie Morgan-Phillips; Gwyn Morris; Ellen Nelson-Green; Kathryn Ann Norman; Thomas A. Olsen; Connie Parten, Individually and as Next Friend of N.P., a minor; William Parten; Karen Petersen; Adam Pfeifer; Susan Pfeifer; Timothy Pfeifer; Gregory Post; Penny Post, Individually and as Next Friend of M.L.P. and T.J.P., minors; Christine Prucha; Frank A. Prucha; Marsha Ann Prucha; Annette Purdy, Individually and as Next Friend of R.P., a minor; Patrick Purdy; Daniel Purdy; Jamie Rath; Jill Rath; Jon Rath; Lynn Rath; Barbara Ring; John Ring; Maren Ring; Megan Ring; Wendell Ring; Angela Roby, Individually and as Next Friend of E.D.R. and S.R.R., minors; Jeffrey Roby; Judy Roby; Wendy Cameron, Individually and as Next Friend of K.C. and T.C., minors; Leon Roby; Neal Schroder; Sondra Schroder, Individually and as Next Friend of T.M.S. and T.R.S., minors; Gregg Schultz; Shirley Schultz, Individually and as Next Friend of M.L.S., a minor; Lauri Shultis, Individually and as Next Friend of J.L.S. and J.S.S., minors; Wayne Shultis; Kimberly Smith-Roby; Brent Smoyer; Kevin Smoyer; Matthew Smoyer; Sandra Smoyer; Eric C. Smoyer; Craig Starke; Terry Starke, Individually and as Next Friend of A.A.S, H.C.S, J.C.C. and L.D.S., minors; Stacia Stone; Stacy Sybrandts; Delores Tenski; Ronald Tenski; Judith Tibbs; Kurt Tibbs; Lyle Tibbs; Aaron J. Weigman; Richard S. Weigman, Individually, and as Next Friend of E.M.W and N.M.W., minors; Valerie J. Weigman; James J. Wetzel; Pamela A. Wetzel; Tyler J. Wetzel; Ryan Witt; Whitney Witt; Anita Wootton, Individually and as Next Friend of A.J.W., K.A.W, and S.A.W., minors; Terrance Wootton,

Plaintiffs - Appellants

J.P.S., a minor, through next friend Joan Schwan; J.M., a minor, through next friend Rachel Schwan; A.B., a minor, through next friend Gina Baldwin; M.B., a minor, through next friend Gina Baldwin; B.J.B., a minor, through next friend Lori Ann Beiber; J.K.B., a minor, through next friend Susan Bish; T.C.O., a minor, through next friend Lisa Brown-Olsen; K.C., a minor, through next friend Wendy Cameron; T.C., a minor, through next friend Wendy Cameron; B.A.D., a minor, through next friend Christine Durand; K.M.D., a minor, through next friend Christine Durand; C.S.H., a minor, through next friend Jeffrey Hadan; S.N.L., a minor, through next friend Justy Lindell; N.E.L., a minor, through next friend Cynthia Luhn; J.J.M., a minor, through next friend Dianne McMahon,

Plaintiffs

Cynthia Luhn, Individually and as Next Friend of N.E.L. and N.E.L., minors,

Plaintiff - Appellant

E.M., a minor, through next friend Timothy Meguire; N.P., a minor, through next friend Connie Parten; M.L.P., a minor, through next friend Penny Post; T.J.P., a minor through next friend Penny Post; R.P., a minor, through next friend Annette Purdy; E.D.R., a minor, through next friend Angela Roby; S.R.R., a minor, through next friend Angela Roby; T.M.S., a minor, through

next friend Sondra Schroder; T.R.S., a minor, through next friend Sondra Schroder; M.L.S., a minor, through next friend Shirley Schultz; J.L.S., a minor, through next friend Lauri Shultis; J.S.S., a minor, through next friend Lauri Shultis; A.A.S., a minor, through next friend Terry Starke; H.C.S., a minor, through next friend Terry Starke; J.C.C., a minor, through next friend Terry Starke; L.D.S., a minor, through next friend Terry Starke; E.M.W., a minor, through next friend Richard S. Weigman; N.M.W., a minor, through next friend Richard S. Weigman; A.J.W., a minor, through next friend Anita Wootton; K.A.W., a minor, through next friend Anita Wootton; S.A.W., a minor, through next friend Anita Wootton,

Plaintiffs

Ann Gosda; Jessica Gosda; Jack Gosda; Stephanie Gosda; Dennis D. Hilderbrand, Individually and as Next Friend of B.D.H. and J.A.H., minors; Marlene Hilderbrand,

Plaintiffs - Appellants

B.D.H., a minor, through next friend Dennis D. Hilderbrand; J.A.H., a minor, through next friend Dennis D. Hilderbrand,

Plaintiffs

Elise Brown-Olsen; Casey Griffin; Kaitlyn Meguire; Levi J. Weigman; Whitney Parten; David Petersen,

Plaintiffs - Appellants

v.

Cargill, Incorporated,

Defendant - Appellee

Appeal from U.S. District Court for the District of Nebraska - Lincoln
(4:04-cv-03384-RGK)
(4:07-cv-03170-RGK)

JUDGMENT

Appellant's motion to dismiss the appeal is granted. The appeal is hereby dismissed in accordance with the [Federal Rules of Appellate Procedure](#) 42(b).

The Court's mandate shall issue forthwith.

May 01, 2012

Order Entered at the Direction of the Court:
Clerk, U.S. Court of Appeals, Eighth Circuit.

/s/ Michael E. Gans